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DATE OF DEPOSIT **January 26, 2004**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Elaina Bennett  
Signature

22581 U.S. PTO  
10/764947



012604

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
**Edwin deSteiguer Snead**

Serial No.: UNKNOWN

Filed: HEREWITH

For: **METHOD FOR POSITIONING A PILE  
CAP UNDERNEATH AN EXISTING  
ELEVATED BRIDGE ASSEMBLY**

Group Art Unit: UNKNOWN

Examiner: UNKNOWN

Atty. Dkt. No.: 11042.0092.DVUS01

Confirmation No.: UNKNOWN

**REQUEST FOR FILING CONTINUATION APPLICATION  
UNDER 37 CFR 1.53(b)**

**Mail Stop PATENT APPLICATION**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

A divisional application under Rule 53(b) (37 CFR 1.53(b)) of co-pending prior application Serial No. 10/155,608 filed on 05/24/2002 entitled "SYSTEM AND METHOD FOR POSITIONING A PILE CAP UNDERNEATH AN EXISTING ELEVATED BRIDGE ASSEMBLY" is requested.

Please find the following enclosed for filing:

1. Application Datasheet; and
2. A true copy of the prior application as originally filed, including specification, claims, drawings, and declaration is enclosed. The copy of the papers of prior application as filed which are attached are as follows:
  - a. 19 page(s) of specification,
  - b. 5 page(s) of claims,
  - c. 1 page(s) of abstract,
  - d. 22 page(s) of drawing, and
  - e. 1 page(s) declaration.
3. A Preliminary Amendment is enclosed that cancels claims 10-26 of the prior application and adds claims 27-41 to this divisional application. In addition, the Preliminary Amendment amends the specification by inserting before the first line the sentence: --This is a divisional of co-pending application Serial No. 10/155,608 filed May 24, 2002, which is incorporated herein by reference in its entirety. –
4. An Information Disclosure Statement including FORM 1449 and a copy of the references listed is submitted with this paper. The Commissioner is specifically requested to make the Information Disclosure Statement, as well as any prior art of record in the prior application, of record in connection with this application.
5. Other Items: Return Postcard.

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The inventor(s) of the invention being claimed in this application is(are): Edwin deSteiguer Snead.

This application is being filed by less than all the inventors named in the parent application. In accordance with 37 CFR 1.53(b), the Commissioner is requested to delete

the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:

\*\*\*\*\*



**CALCULATION OF FILING FEE:**

The filing fee as calculated below, takes into account any cancellation of claims and the fee for any new claims added by the Preliminary Amendment referred to above.

			Small Entity	
Total Claims	24 - 20	= 4	x \$ 9.00	= \$ 36.00
Independent Claims	3 - 3	= 0	x \$	= \$
First Multiply Dependent Claim Presented			+ \$	= \$
Basic Fee			+ \$	= \$ 385.00
			<b>TOTAL = \$ 421.00</b>	

The Commissioner is authorized to charge the above filing fee of **\$421.00** and any additional fees which may be required, or credit any overpayment, to Deposit Account No. 01-2508, Order No. 11042.0092.DVUS01. An additional copy of this sheet is enclosed for this purpose.

Applicant is entitled to Small Entity Status for this application.

A Statement of Small Entity Status was established in the prior application and is claimed in the present application.

Small Entity Status is hereby claimed in this application.

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The prior application is presently assigned to , , , , .

A copy of the recorded assignment is attached.

A statement under 37 CFR 3.73(b) has been filed in the parent application. A copy of this statement as filed in the parent application is attached.

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The power of attorney in the prior application is to .

The Power of Attorney appears in the original papers of the prior application.

- Because the power does not appear in the original papers, a copy of the Power of Attorney in the prior application filed on \_\_\_\_\_ is enclosed.
- A newly executed Power of Attorney is enclosed.

\*\*\*\*\*

- Please associate this application with and address all correspondence to:

Customer Number 23369,

HOWREY SIMON ARNOLD & WHITE LLP  
750 Bering Drive  
Houston, Texas 77057

Please address all telephone calls to: Sean McDermott, Patent Agent, at 713-268-1357.

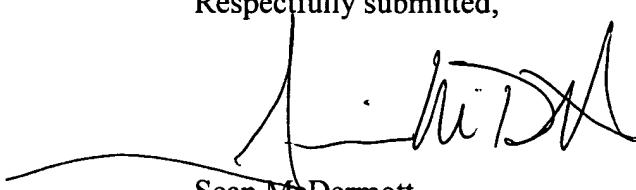
Please address all e-mail to: houstondocketing@howrey.com

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The undersigned representative requests for any extension of time that may be deemed necessary to further the prosecution of this application. The undersigned representative authorizes the Commissioner to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 01-2508, referencing Order No. 11042.0092.DVUS01.

To facilitate the resolution of any issues or questions presented by this paper, Applicant respectfully requests that the Examiner directly contact the undersigned by telephone to further the discussion.

Respectfully submitted,

  
Sean McDermott  
Reg. No. 49,000

HOWREY SIMON ARNOLD & WHITE, LLP  
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Date: January 26, 2004